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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,979	11/28/2000	Koji Ohtsuka	TAK-0357	8353

7590

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EXAMINER

HE, AMY

ART UNIT

PAPER NUMBER

2858

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,979

Applicant(s)

OHTSUKA, KOJI

Examiner

Amy He

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-5, 9 and 11 of U.S. Patent No. 6, 462, 531(Pat.'531). Although the conflicting claims are not identical, they are not patentably distinct from each other.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.

Referring to claims 1-2, Pat. '531 teaches every limitations of the claimed semiconductor current detector of improved noise immunity, except that different terminologies are used in the claims. For example, phrases "main working region", and "insulating layers" are used in Pat. No.'531 instead of "primary working region" and

"insulating means" as claimed in claims 1-2 of the instant application. However, the different terminologies do not make the instant application patentably distinct from Pat. '531. It would have been obvious to a person of ordinary skill in the art at the time of the invention to choose to use other equivalent terminologies to describe the parts that constitute the invention.

Allowable Subject Matter

2. Claims 3-7 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 3-5 are allowable because none of the prior art teaches a semiconductor current detector of improved noise immunity, comprising: a plurality of electrodes and conductor strips formed on a first insulating layer; a second insulating layer formed on the first insulating layer and covering the electrodes and the conductor strips; a shielding layer formed on part of the second insulating layer; a third insulating layer formed on the second insulating layer and covering the shielding layer; and a conductor strip formed on the third insulating layer, and in the combination as claimed.

Claims 6-7 are allowable because none of the prior art teaches a semiconductor current detector of improved noise immunity, comprising: a plurality of electrodes and conductor strips formed on a first insulating layer; a second insulating layer formed on the first insulating layer and covering the electrodes and the conductor strips; a conductor strip formed on the second insulating layer; a third insulating layer formed on

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the second insulating layer and covering the conductor strips; a shielding layer formed on the third insulating layer, and in the combination as claimed.

Conclusion

The following is a list of patents related to the instant application, which is made of record, but not relied upon in this office action:

U. S. Patent No. 6, 356, 068-- A current monitor system comprising Hall sensor.

U. S. Patent No. 5, 583, 429-- Current detection device comprising shielded wires that have insulating layers, shield layer and insulating sheath.

U. S. Patent No. 4, 963, 827--Intermittently activated magnetic shield arrangement for reducing noise and offsets in solid-state magnetic field sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy He whose telephone number is (703) 305-3360.

The examiner can normally be reached on 8:30am-5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, N. Le can be reached on (703) 308-0750.

The official Fax numbers for the organization are (703-872-9318) Before-Final and (703-872-9319) After-Final Office actions. Any inquiry of a general nature relating to this application should be directed to the receptionist at (703) 305-4900.


AH

January 22, 2003



N. Le
Supervisory Patent Examiner
Technology Center 2800